

the said Rivers, streams and lakes are being fast depleted almost to the point of exhaustion creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and said rule is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

### THIRTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas, March 6, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Small.

### Petition and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of bills during the last 90 days of the session

was suspended and consent was granted to introduce the following bills:

By Senator Cousins:

S. B. No. 510, A bill to be entitled "An Act repealing Chapter 110, Acts of the Regular Session of the 39th Legislature, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Small:

S. B. No. 511, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas, to deed, convey, assign and/or transfer all right, title and interest of whatsoever class, kind or character, directly or indirectly, belonging to the State of Texas, in and to that tract of land known as the "Wayside State Park, Wayside, Texas, 120 acres" situated in the Palo Dura Canyon, Armstrong County, in the State of Texas, to H. G. Bowe of Swisher County, Texas; and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

By Senator Small:

S. B. No. 512, A bill to be entitled "An Act amending Article 199, Title 8, page 11, Revised Civil Statutes of the State of Texas, passed at the Regular Session of the Forty-first Legislature, 1929; providing for changing and prescribing times of holding Court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances and making them returnable to the terms of court in the several counties of said District as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 513, A bill to be entitled "An Act to amend Article 2236, Revised Civil Statutes of the State of

Texas, 1925, providing that new trial may be granted within six months from rendition of judgment where service was had by publication; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 514, A bill to be entitled "An Act to amend Article 547 of the Code of Criminal Procedure of the State of Texas, 1925, to provide that either party may contest any material matter in a motion for continuance, and the granting and denial of same shall be within the sound discretion of the court, and shall not be reserved unless abuse shown; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Purl:

S. B. No. 515, A bill to be entitled "An Act legalizing the annexation of territory embracing a Fresh Water Supply District heretofore established to any city having a population of 150,000 or more, declaring the indebtedness of any such Fresh Water Supply District so annexed to be the legal indebtedness of the city to which same was annexed, and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

#### Senators Excused.

The following Senators were excused for the day:

Senator Pollard, important business, on motion of Senator Woodul.

Senator Stevenson, illness, on motion of Senator Hardin.

#### H. C. R. No. 31.

The Chair laid before the Senate:

H. C. R. No. 31, Relating to the Interstate Legislative Bureau and its work.

Read and adopted.

#### H. C. R. No. 32.

The Chair laid before the Senate:

H. C. R. No. 32, Relating to a bust of the late Land Commissioner Walker.

Read and adopted.

#### Senate Bill No. 500.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Parr:

S. B. No. 500, A bill to be entitled "An Act prohibiting any person, to place, set, use, drag, or have in his possession any seine, net or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line, or cast net or minnow seine of not more than twenty feet in length for catching bait within waters between Padre Island and the mainland in Kleberg and Kenedy Counties and on back bays and inlets and that part of Laguna Madre within said counties and providing for a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars on first conviction etc; and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 500 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Foage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard.

Stevenson.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

#### Senate Bill No. 372.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

B. Senator Woodward:

S. B. No. 372, A bill to be entitled "An Act to amend Article 4736, Revised Civil Statutes of Texas, providing that attorneys' fees recoverable for the prosecution and collection of unpaid losses under life and accident, health and accident and life, health and accident insurance policies shall be taxable as costs in suits filed thereon; and that in arriving at such reasonable attorneys' fees, the court shall consider benefits to accrue on such policies on account of such suit; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 372 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Absent—Excused.

Pollard. Stevenson.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

#### Senate Bill No. 252.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Greer:

S. B. No. 252, A bill to be entitled "An Act creating a special road law for Henderson County, Texas, requiring surety bonds of road overseers, containing provisions that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 252 was put on its third reading and final passage, by the following vote:

## Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

## Absent—Excused.

Pollard.	Stevenson.
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Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

## Absent—Excused.

Pollard.	Stevenson.
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## Senate Bill No. 199.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Cunningham:

S. B. No. 199, A bill to be entitled "An Act making an appropriation restoring as a special fund an amount which has been converted into the general revenue fund, which was deposited in the State Treasury under an Act of Congress entitled An Act to reimburse the Governors of states and territories for expenses incurred by them in aiding the United States to raise and organize the Voluntary Army in the War with Spain; providing for the administration of said fund, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 199 was put on its third reading and final passage, by the following vote:

## Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

## Absent—Excused.

Pollard.	Stevenson.
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Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

**Absent—Excused.**

Pollard. Stevenson.

**Simple Resolution No. 69.**

Senator Woodul sent up the following resolution:

Whereas, Hon. J. W. Hall, tax collector of Harris County, and a former member of the Senate, is in the bar of the Senate, therefore, be it

Resolved That he be invited to address the Senate at this time and the privilege of the floor be extended to him.

WOODUL,  
WOODWARD,  
WILLIAMSON.

Read and adopted.

**Senator Hall Speaks.**

The Chair appointed Senators Woodul, Woodward, and Williamson to escort former Senator Hall to the platform.

The Chair introduced Senator Woodul, who introduced Mr. Hall. Mr. Hall briefly addressed the Senate.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been signed, the following bills:

H. B. No. 300.	H. B. No. 111.
H. B. No. 178.	H. B. No. 372.
H. B. No. 206.	H. B. No. 466.
H. B. No. 140.	H. B. No. 55.
H. B. No. 129.	H. B. No. 564.
H. B. No. 125.	H. B. No. 43.

**Messages From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.  
Austin, Texas, March 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 27, Endorsing the purpose and plans of the General Pershing Park Association.

H. C. R. No. 33, Providing for the

appointment and designation of a poet laureate for the State of Texas.

S. C. R. No. 19, Recalling H. B. No. 109 to the Senate for correction.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 398 and requests the appointment of a conference committee to adjust the differences between the two houses. The following are appointed on the part of the House.

Sanders, Murphy, McGill, Metcalfe, Ford.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 8, A bill to be entitled "An Act providing that it shall be unlawful for any officer or employee of this State or any other person to build, construct, erect, or maintain any building, structure, memorial, or monument within the inclosure around the capitol grounds in the city of Austin without the authority theretofore given by statute by the Legislature of the State of Texas and prescribing a penalty, and declaring an emergency."

H. B. No. 12, A bill to be entitled "An Act to amend Section 33 of S. B. No. 111 of Chapter 61 of the Second Called Session of the Forty-first Legislature; providing qualifications and prerequisites for directors of building and loan associations, based on the assets and the amount paid in on the shares held, and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act to amend Section 1 of Chapter 90, Acts of the Forty-first Legislature, First Called Session, and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act to amend Article 6234 under subdivision 2 of Title 109 of the Revised Civil Statutes of the State of Texas (1925), relating to eligibility to participate in city pension fund; extending the time of making application for membership and participation therein, and declaring an emergency."

H. B. No. 242, A bill to be entitled "An Act providing for rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits of schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

H. B. No. 437, A bill to be entitled "An Act making it unlawful to hunt, take or kill wild turkey or wild deer; fixing a penalty; providing for open season in certain cases and counties; providing that in certain counties wild deer may be hunted with but one dog, etc., and declaring an emergency."

H. B. No. 488, A bill to be entitled "An Act creating a special road law for Henderson County, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation, and declaring an emergency."

H. B. No. 477, A bill to be entitled "An Act to amend Article 6899a of Chapter 1, Title 121, of the Revised Civil Statutes of 1925, which was enacted at the Regular Session of the Forty-first Legislature, page 561, Chapter 273, so as to include Wharton County, and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act to provide more adequate compensation for county treasurers in counties of a population of not less than 250,000 and not more than 310,000, as shown by the last Federal census of 1930, where the treasurer of such counties acts as paymaster for the county in addition to the regular duties as county treasurer; and providing for the employment of an

assistant for such treasurers, and declaring an emergency."

H. B. No. 620, A bill to be entitled "An Act to exempt male persons residing in Van Zandt County, Texas, from road duty by paying to the county tax collector of said county the sum of three dollars (\$3.00) annually, and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Road District No. 1 of Uvalde County, Texas, upon the question of authorizing the issuance of \$175,000 Uvalde County Road District No. 1, road bonds, series two, and levying a tax in payment thereof, etc., and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act to repeal an Act of the Thirty-third Legislature, First Called Session, 1913, being S. B. No. 22, creating a road system for Hall County."

H. B. No. 657, A bill to be entitled "An Act to repeal Chapter 69, Acts Forty-first Legislature, First Called Session, page 182, relating to Hood County Special Road Law, and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act providing that in counties of a certain population and property valuation the sheriff may appoint certain deputies, with the consent of the commissioners' court; providing the means and manner of appointment and payment of salaries, and prescribing the maximum salary, and declaring an emergency."

H. B. No. 700, A bill to be entitled "An Act amending Subdivision 27, Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the Twenty-seventh Judicial District of Texas; and to fix the number of terms and the place and time for holding said court, and to conform all writs and process from such court to such changes, and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, etc., and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act to exempt male persons residing in Lavaca County, Texas, and not within the corporate limits of any incorporated city, town, or village, from road duty, and in lieu thereof

requiring them to pay to the county tax collector of said county the sum of three dollars (\$3.00) annually, and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act to establish and create a criminal judicial district and a criminal district court for Bexar County; providing for the jurisdiction of and procedure in said court; fixing the time for holding the terms of said court; providing for the election, tenure of office, qualifications, duties, powers and compensation of a judge of said court; abolishing the Ninety-fourth Judicial District of Texas, and providing for the transfer of all cases pending in said court when this Act becomes effective, etc., and declaring an emergency."

S. B. No. 16, A bill to be entitled "An Act to provide for the nomination of directors of water improvement districts to serve under the provisions of Chapter 2, Title 128 of the Revised Civil Statutes of Texas, 1925, and to repeal all laws in conflict therewith."

With amendments.

S. B. No. 47, A bill to be entitled "An Act to provide adequate compensation for first assistant county attorneys in counties having a population of from 75,000 to 80,000 which have voted road and bridge bonds amounting to six million dollars or more and flood protection bonds amounting to one million dollars or more."

S. B. No. 48, A bill to be entitled "An Act to amend Article 431, Revised Civil Statutes of 1925."

S. B. No. 329, A bill to be entitled "An Act renewing and extending oil and gas permit Number 13594 issued by the Commissioner of the General Land Office of the State of Texas on the 23rd day of August, A. D. 1928, covering forty seven (47) acres of land, in the bed of the Neches River, located in Anderson and Cherokee Counties, Texas, for an additional period of two years from and after the present date of expiration of said permit, and declaring an emergency."

With amendments.

S. B. No. 39, A bill to be entitled "An Act, amending Section 3, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, by adding thereto Section 3-Aa,

providing that before issuing any license plates to those exempt by law from the payment of registration fees on motor vehicles, the approval of the State Highway Department shall be had, and providing for the revocation of license fee receipts and the recalling of plates delivered to such persons, and the means and manner thereof, prescribing offenses and penalties and declaring an emergency."

With amendments.

S. B. No. 364, A bill to be entitled "An Act to create Road District No. 11 of Fayette County, Texas, conferring powers, privileges and duties generally conferred upon such districts; authorizing the holding of elections to vote and issue bonds, levy and collect taxes for the purpose of construction and maintenance of macadamized, gravel or paved roads and turnpikes, or in aid thereof; authorizing said district to have all powers, authority and privileges conferred by law on such districts, especially under Chapter 16 of the General Laws of the Thirty-ninth Legislature at its First Called Session; and declaring an emergency."

S. B. No. 365, A bill to be entitled "An Act to create a court to be known as the County Court of Potter County at Law; to define the jurisdiction of said court, and making the jurisdiction concurrent with the jurisdiction of the justice court in all causes, civil and criminal; to fix the terms thereof; to provide a clerk to be appointed by the county clerk of Potter County, and fix his salary; to fix the qualifications, bond and salary, and provide for the appointment, election or removal of the judge thereof; to provide for the transfer of any cases and appeal therefrom, now pending in the county court of Potter County to said court hereby created, and to provide for appeals from inferior courts to the court hereby created; providing for a special judge; for the distribution of fees, for a seal of said court, and prescribing the duties of the sheriff and county attorney in relation to said court; and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act amending Article 3891, Revised Civil Statutes of Texas of 1925, as amended by Chapter 20 of the Acts of the Fourth Called Ses-

sion of the 41st Legislature so as to provide that in all counties having a population of 325,000, according to the Federal census of 1930, all county officers and justices of the peace can retain all excess fees until the same, together with the maximum fees allowed by Articles 3883, 3883-a, 3886 shall amount to the sum of \$10,000.00 per annum, and declaring an emergency."

With amendments.

S. B. No. 43, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land situated in Culberson County, Texas, forfeited and re-appraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 70.

Senator Woodruff sent up the following resolution:

Whereas, an all wise Providence has on this the 6th day of March, A. D. 1931, called to her Heavenly Home the wife of the Reverend B. J. Forbes, Representative in the House from Parker County, and

Whereas, the passing of this woman, beloved of all with whom she came in contact, from this life of sunshine and shadow into a life of eternal sunshine and happiness is an irreparable loss to Parker County and to this State, therefore,

Be It Resolved, by the Senate that we do sincerely sympathize with our legislative colleague in this hour of sorrow, we deplore his loss, and our loss, and we rejoice with him in the blessed assurance that this separation from his life-long companion is at the most only temporary, and that when the will of the Master is finally done these children of His shall

be re-united in a life eternal beyond the River, and,

Be It Resolved, further, that a committee of three members of the Senate be appointed by the Lieutenant Governor to express our condolences to our bereft colleague of the House, that a floral tribute be sent to the departed, the expense of which shall be charged to the Contingent Expense Fund of the Senate.

Woodruff, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Holbrook, Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal, Parr, Parrish, Patton, Woodward, Poage, Pollard, Purl, Rawlings, Russek, Small, Stevenson, Thomason, Williamson, Woodul.

Read and adopted.

The Chair appointed Senators Woodruff, Purl, and Loy on the part of the Senate.

#### Free Conference Requested.

Senator Purl moved that the Senate not concur in the House amendment to S. B. No. 13, and that a Free Conference Committee be requested. the motion prevailed.

#### S. C. R. No. 20.

Senator Poage sent up the following resolution:

Whereas, it has been discovered that H. B. No. 398 as passed by the Senate on March 6th was passed under a misunderstanding of the facts conveying certain appropriations, heretofore made, and,

Whereas, certain members of the Senate voted for said bill under a belief that such facts were true when in truth the condition of such appropriation was entirely different, therefore,

Be It Resolved, by the Senate of Texas, the House of Representatives convey that H. B. No. 398 be returned to the Senate for further consideration.

POAGE.

The resolution was read.

The Chair held that the resolution was out of order because the House had already refused to concur in House amendments to the bill and asked for a Free Conference Committee.



**Senate Bill No. 89.**

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Stevenson:

S. B. No. 89, A bill to be entitled "An Act to amend Section 1 of Chapter 90, Acts of the 41st Legislature, First Called Session, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 89 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.

Thomason.  
Williamson.  
Woodruff.

Woodul.  
Woodward.

Absent—Excused.

Pollard. Stevenson.

**S. C. R. No. 20.**

The Chair stated that he believed that his previous ruling concerning S. C. R. No. 20 being out of order was in error, inasmuch as the Senate had taken no action on the request of the House for a Free Conference Committee.

Senator Beck moved to table the resolution. The motion prevailed.

**Senate Bill No. 70.**

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Holbrook:

S. B. No. 70, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas, to deed, convey, assign and/or transfer all right, title and interest of whatsoever class, kind or character, directly or indirectly belonging to the State of Texas, in and to certain abutting property known as the Texas City or Government Dike, to the city of Texas City in Galveston County, Texas, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 70 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Thomason.
Poage.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

Absent—Excused.

Pollard.	Stevenson.
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Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—4.

DeBerry.	Poage.
Loy.	Purl.

Absent—Excused.

Pollard.	Stevenson.
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**Senate Bill No. 509.**

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Beck:

S. B. No. 509, A bill to be entitled "An Act to amend Section 12, Chapter 67, Acts of the Fifth Called Session of the Forty-first Legislature, being H. B. No. 10 of said session, by providing that certain appropriations made therein may be used for support and maintenance and miscellaneous and contingent expenses for the operation of the Texas Prison System for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted. The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 509 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard.	Stevenson.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard.	Stevenson.
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**House Bills Referred.**

H. B. No. 714, referred to Committee on Judicial Districts.

H. B. No. 700, referred to Committee on Civil Jurisprudence.

H. B. No. 712, referred to Committee on State Highways and Motor Traffic.

H. B. No. 657, referred to Com-

mittee on State Highways and Motor Traffic.

H. B. No. 694, referred to Committee on Counties and County Boundaries.

H. B. No. 656, referred to Committee on State Highways and Motor Traffic.

H. B. No. 647, referred to Committee on Civil Jurisprudence.

H. B. No. 620, referred to Committee on State Highways and Motor Traffic.

H. B. No. 159, referred to Committee on Counties and County Boundaries.

H. B. No. 477, referred to Committee on Stock and Stock Raising.

H. B. No. 437, referred to Committee on State Affairs.

H. B. No. 181, referred to Committee on Civil Jurisprudence.

H. B. No. 12, referred to Committee on Insurance.

H. B. No. 242, referred to Committee on Educational Affairs.

H. B. No. 448, referred to Committee on State Highways and Motor Traffic.

H. B. No. 8, referred to Committee on Land and Land Office.

H. B. No. 574, referred to Committee on Counties and County Boundaries.

#### Motions to Concur.

On motion of Senator Greer, the Senate concurred in the House amendments to S. B. No. 239 by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent-Excused.

Pollard.	Stevenson.
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On motion of Senator Williamson, the Senate concurred in House amendment to S. B. No. 39. The motion prevailed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent-Excused.

Pollard.	Stevenson.
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#### Senate Bill No. 138.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Rawlings:

S. B. No. 138, A bill to be entitled "An Act to amend Article 273 of the Code of Criminal Procedure so as to allow the execution of a criminal bail bond by the sureties signing such bond, either in person or through an agent or attorney-in-fact; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 138 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Russek.
Oneal.	Small.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent-Excused.

Pollard.	Stevenson.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent-Excused.

Pollard.	Stevenson.
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#### Senate Bill No. 435.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senators Neal and Hardin:

S. B. No. 435, A bill to be entitled "An Act authorizing school trustees to issue interest bearing warrants in payment of salaries of employees for the year 1930-1931; specifying the rate of interest at eight per cent; limiting the amount of warrants to be issued; giving such warrants preference over warrants issued for purposes other than payment of salaries; and declaring an emergency."

Read second time.

On motion of Senator Neal, the following bill was substituted for S. B. No. 435:

By Mr. Young and Mr. Gilbert:

H. B. No. 703, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employees for the year 1930-1931; specifying the rate of interest at eight per cent; limiting the amount of warrants to be issued; giving such warrants preference over warrants issued for purposes other than payment of salaries, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted. The bill was read second time.

#### Simple Resolution No. 71.

Senator Purl sent up the following resolution:

Be It Resolved by the Senate of Texas That the Senate send Senator Grady Woodruff to Weatherford as a representative of the Senate with the remains of Mrs. Forbes, the expense of which trip shall be paid out of the Senate contingent fund.

PURL,  
LOY.

Read and adopted.

#### Free Conference Committees Appointed.

The Chair announced the appointment of the following Free Conference Committees:

On H. B. No. 398, Senators Beck, Moore, Oneal, Thomason and Martin.

On S. B. No. 13, Senators Purl, Rawlings, Poage, DeBerry and Loy.

#### Motion to Reconsider.

On motion of Senator Hardin, the vote by which H. B. No. 109 was finally passed was reconsidered.

On motion of Senator Hardin, H. B. No. 109 was re-committed to the Committee on State Affairs.

#### Recess.

On motion of Senator Hornsby, the Senate, at 12:30 o'clock p. m., recessed until 2:45 o'clock p. m.

#### After Recess.

The Senate met at 2:45 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Reception of Cardinal Hayes.**

At 3 o'clock, the Chair announced that the hour for the reception of Cardinal Hayes had arrived.

The Chair appointed Senators Williamson, Holbrook, and Russek to escort Cardinal Hayes and his attendants to the platform.

The Chair introduced Senator Williamson who introduced Cardinal Hayes.

Cardinal Hayes addressed the Senate.

**Adjournment.**

On motion of Senator Holbrook, the Senate, at 3:35 o'clock p. m., adjourned until 10 o'clock Monday morning.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed bills have had Senate Bill No. 311 carefully examined and compared and find the same to be correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, March 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 85 correctly examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

**Committee Reports.**

Committee Room,

Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 509, A bill to be entitled "An Act to amend Section 12, Chapter 67, Acts of the Forty-first Legislature, being House Bill No. 10 of said Session, by providing that certain appropriations made therein may be used for support and maintenance and miscellaneous and contingent

expenses for the operation of the Texas Prison System for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,

Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 433, A bill to be entitled "An Act providing for the preservation of, and preventing the destruction, mutilation and removal of, certain native plants, prehistoric bones and relics, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, with committee amendments.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 500, A bill to be entitled "An Act prohibiting any person to place, set, use, drag, or have in his possession any seine, net or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, line, or cast net or minnow seine of not more than twenty feet in length for catching bait within waters between Padre Island and the mainland in Kleberg and Kenedy Counties, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 703, A bill to be entitled "An Act authorizing School Trustees to issue interest bearing warrants in payments of salaries of employees for the year 1930-31; specifying the rate of interest at six (6%) limiting the amount of warrants to be issued; giving such warrants preference over warrants issued for purposes other than payment of salaries; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, March 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 289, A bill to be entitled "An Act providing for the taking of fish from the fresh water of Hunt County, Rains County and Kaufman County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one half inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale, or to retain any bass or trout less than eight inches in length or any white perch or crappie weighing less than one half pound; fixing penalty; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, March 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 317, A bill to be entitled "An Act repealing Chapter 46 of the General Laws of the Second Called Session of the Forty-first Legislature, being S. B. No. 31, relating to the appointment of a receiver for incorporated cities and towns which had defaulted in the payment of bonds

or other obligations, lawfully issued and prescribing the duties and powers of such receiver."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, March 6, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 509, A bill to be entitled "An Act to amend Section 12, Chapter 67, Acts of the Fifth Called Session of the Forty-first Legislature, being H. B. No. 10 of said session, by providing that certain appropriations made therein may be used for support and maintenance and miscellaneous and contingent expenses for the operation of the Texas Prison System for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, March 5, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Printing, to whom was referred H. C. R. No. 29.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODRUFF, Chairman.

By Graves and H. C. R. No. 29.  
Burns of Walker.

Whereas, the State Prison has recently been equipped with new and up to date printing machinery and there has been a competent master printer employed for the purpose of supervising, managing and controlling the printing department of such State prison; and

Whereas, it has been recently demonstrated that this department is

well enough equipped, and able, to do a large part of the State's printing, and that such can be done at a much less cost than the State is now paying for its printing which is now being done by contract;

Therefore, be it Resolved by the House and the Senate of Texas concurring, that the Board of Control of the State of Texas is hereby authorized and directed to investigate the feasibility of making a contract with the State Prison Board relative to such Board doing a portion or all of the State's printing in the State Prison, and if such Board of Control deems it to be to the best interest of the State of Texas, they are requested to enter into a contract with the State Prison Board to do so much or all of the State's printing at the State Prison as they may deem advisable to have done there, and at a legal contract price therefor.

### THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas, March 9, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Moore.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent-Excused.

Cunningham. Hardin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the Constitutional Rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills and resolutions:

By Senator Parr:

S. J. R. No. 27, A Joint Resolution "Proposing an amendment to Section 104, of Article 7, of the Constitution of Texas; providing that the Medical Branch of said University shall be made a part of the Main University and located in Travis County, Texas; providing the time and manner thereof; providing for its submission to the voters, as required by the Constitution, and making an appropriation therefor."

Read and referred to Committee on Constitutional Amendments.

By Senator Williamson:

S. B. No. 516, A bill to be entitled "An Act to create road district No. 5, Kendall County, Texas, defining and specifically setting out its boundaries, including therein all the territory embraced in commissioners' precincts numbers 1 and 4, which precincts are known as road districts numbers 1 and 3 respectively; authorizing the Commissioners' Court to continue to levy an ad valorem tax for the payment of the principal and interest on all outstanding bonds of the former district embraced within road district No. 5, herein created, authorizing the issuance of bonds by the newly created road district in the manner and at such times as provided by the general laws of Texas, for the issuance of bonds by road districts, and in conformity with Art. 3, Sec. 52, of the State Constitution; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Parrish:

S. B. No. 517, A bill to be entitled "An Act to amend Article 2529 of